

FILED
AUG 15 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

WHA
(PR)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THOMAS E. MARTINEZ,

Plaintiff,

vs.

JAMES A. YATES, Warden, et al.,

Defendant.

CV 08

CASE NO.

3911

**PRISONER'S
APPLICATION TO PROCEED
IN FORMA PAUPERIS**

I, Thomas E. Martinez, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes ___ No X

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: _____ Net: _____

Employer: _____

1 If the answer is "no," state the date of last employment and the amount of the gross and net
 2 salary and wages per month which you received. (If you are imprisoned, specify the last
 3 place of employment prior to imprisonment.)

4 Worked at Safeway Supermarket prior to imprisonment.
 5 _____
 6 _____

7 2. Have you received, within the past twelve (12) months, any money from any of the
 8 following sources:

9 a. Business, Profession or Yes ____ No X

10 self employment

11 b. Income from stocks, bonds, Yes ____ No X

12 or royalties?

13 c. Rent payments? Yes ____ No X

14 d. Pensions, annuities, or Yes ____ No X

15 life insurance payments?

16 e. Federal or State welfare payments, Yes ____ No X

17 Social Security or other govern-

18 ment source?

19 If the answer is "yes" to any of the above, describe each source of money and state the amount
 20 received from each.

21 N/A
 22 _____

23 3. Are you married? Yes X No ____

24 Spouse's Full Name: Ana Maria Martinez

25 Spouse's Place of Employment: Safeway Supermarket

26 Spouse's Monthly Salary, Wages or Income:

27 Gross \$ unknown Net \$ unknown

28 4. a. List amount you contribute to your spouse's support: \$ 0.00

7 || 5. Do you own or are you buying a home? Yes ____ No X

8 Estimated Market Value: \$_____ Amount of Mortgage: \$_____

9 || 6. Do you own an automobile? Yes ____ No X

10 || Make _____ Year _____ Model _____

11 Is it financed? Yes _____ No _____ If so, Total due: \$ _____

12 Monthly Payment: \$ _____

13 || 7. Do you have a bank account? Yes _____ No X (Do not include account numbers.)

14 || Name(s) and address(es) of bank: _____

16 Present balance(s): \$ _____

17 Do you own any cash? Yes _____ No X Amount: \$ _____

18 Do you have any other assets? (If "yes," provide a description of each asset and its estimated
19 market value.) Yes _____ No X

21 || 8. What are your monthly expenses?

22 || Rent: \$ 0.00 Utilities: 0.00

23 || Food: \$ 0.00 Clothing: 0.00

24 Charge Accounts: None

25	<u>Name of Account</u>	<u>Monthly Payment</u>	<u>Total Owed on This Acct.</u>
----	------------------------	------------------------	---------------------------------

26 | _____ \$ _____ \$ _____

27 || _____ \$ _____ \$ _____

28 _____ \$ _____ \$ _____ 9. Do

1 you have any other debts? (List current obligations, indicating amounts and to whom they are
2 payable. Do not include account numbers.)

3 N/A
4 _____

5 10. Does the complaint which you are seeking to file raise claims that have been presented
6 in other lawsuits? Yes ____ No X

7 Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in
8 which they were filed.
9 _____
10 _____

11 I consent to prison officials withdrawing from my trust account and paying to the court
12 the initial partial filing fee and all installment payments required by the court.

13 I declare under the penalty of perjury that the foregoing is true and correct and
14 understand that a false statement herein may result in the dismissal of my claims.

15
16 August 4, 2008

17 DATE

Thomas Masteney
18
19
20
21
22
23
24
25
26
27
28
SIGNATURE OF APPLICANT